

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

**DAVID P. DONOVAN,**

*Plaintiff,*

v.

**BETH A. WILKINSON,**

*Defendant.*

**Civil Action No. 1:20-cv-1344**

**PLAINTIFF’S NON-CONFIDENTIAL MEMORANDUM IN SUPPORT OF MOTION  
TO SEAL PLAINTIFF’S STATEMENT REGARDING REDACTED MATERIALS AND  
TO SEAL THE NOVEMBER 30, 2020 HEARING**

Plaintiff David P. Donovan (“Plaintiff”), pursuant to Local Civil Rule 5(C) and this Court’s November 17, 2020 Order (the “Order”), respectfully submits this non-confidential memorandum in support of his Motion to Seal Plaintiff’s Statement Regarding Redacted Materials and to Seal the November 30, 2020 Hearing (“Statement”).

On November 17, 2020, the Court issued the Order concluding that, rather than sealing the entire case as Plaintiff requested, “[t]o the extent that pleadings or hearings involve facts, matters or references that should be kept confidential, those facts, matters or references can be addressed on an individual basis.” [ECF 32.] This Court also ordered that “the existing pleadings and transcripts which currently remain sealed pursuant to Local Rule 5(C) shall remain sealed pending the Magistrate Judge’s decision as to any particular pleading or transcript or portion thereof, as set forth herein.” [*Id.*] The Order further required the parties to confer and to submit to the Court proposed redactions concerning the existing sealed pleadings, and, to the extent the parties do not reach an agreement, then the parties should submit to the Court, “. . . the reasons supporting the parties’ respective positions as to those proposed redactions. . .” to

Magistrate Judge Davis by noon on November 20, 2020. [*Id.*] The Court also stated, “it does appear that there may be subject matter, facts, allegations or references that would justify redactions from the public record . . .” and directed the parties to present such issues to Magistrate Judge Davis. [*Id.*]

Pursuant to this Order, Plaintiff is filing today his Statement and proposed redactions appended thereto under seal. As required by the Order, the Statement sets forth Plaintiff’s justifications for why information to be obscured by proposed redactions should remain under seal. Therefore, the Statement necessarily discusses matters Plaintiff is arguing should remain under seal. The exhibits to the Statement contain proposed redactions to previously filed materials highlighted in yellow, though not obscured by black blocks, to facilitate the Court’s review of the portions of the record Plaintiff asserts should remain under seal. The justifications for the proposed redactions relate to maintaining the secrecy of a confidential agreement and private information related thereto that should be sealed. *See Lifenet Health v. Lifecell Corp.*, No. 2:13cv486, 2015 WL 12517430, at \*4 (N.D. Va. Feb. 12, 2015).

Plaintiff’s Statement also responds to the Order’s inquiry for submissions concerning whether a hearing should be sealed. Plaintiff’s Statement asserts that the hearing should be sealed to avoid any unpredictable revelations of confidential information. The Statement proposes that after the hearing, the record should be subject to redactions for only information that should be sealed consistent with the upcoming rulings Magistrate Judge Davis will make on sealing portions of the existing record.

Respectfully submitted, this the 20th<sup>th</sup> day of November, 2020,

/s/ Cathy A. Hinger

Cathy A. Hinger (VSB No. 46293)  
Lela M. Ames (VSB No. 75932)  
Claire J. Rauscher (Admitted Pro Hac Vice)  
Ana L. Jara (Admitted Pro Hac Vice)  
WOMBLE BOND DICKINSON (US) LLP  
1200 Nineteenth Street, N.W.  
Suite 500  
Washington, DC 20036  
Telephone: 202-857-4489  
Facsimile: 202-261-0029  
Email: cathy.hinger@wbd-us.com  
Email: lela.ames@wbd-us.com  
Email: claire.rauscher@wbd-us.com  
Email: ana.jara@wbd-us.com

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of November, 2020, a true and correct copy of the foregoing *Plaintiff's Non-Confidential Memorandum in Support of Motion to Seal Plaintiff's Statement Regarding Redacted Materials* was filed with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Cathy A. Hinger  
Cathy A. Hinger, Esq.